

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

DAMIAN STINNIE, MELISSA
ADAMS, and ADRAINNE JOHNSON,
individually, and on behalf of all others
similarly situated; WILLIEST BANDY,
and BRIANNA MORGAN, individually,
and on behalf of all others similarly
situated,

Plaintiffs,

v.

RICHARD D. HOLCOMB, in his official
capacity as the Commissioner of the
VIRGINIA DEPARTMENT OF MOTOR
VEHICLES,

Defendant.

Civ. No: 3:16-cv-00044

STIPULATION OF DISMISSAL

The parties state as follows for their agreed Stipulation of Dismissal:

1. On September 11, 2018, Plaintiffs filed their First Amended Class Action Complaint, alleging Virginia Code § 46.2-395 to be unconstitutional and seeking certain declaratory and injunctive relief, as well as attorneys' fees and costs pursuant to 42 U.S.C. § 1988. *See* Dkt. 84.

2. During its 2020 regular session, the Virginia General Assembly passed (and Governor Northam signed into law) legislation that, effective July 1, 2020, eliminates § 46.2-395 from the Code of Virginia and requires the DMV Commissioner to reinstate, without payment of fees, driving privileges that had been suspended by courts under § 46.2-395. *See* 2020 Va. Acts ch. 965.

3. The parties agree that this case is moot and hereby stipulate that the case should be dismissed.

4. In addition, Plaintiffs assert that they are entitled to attorneys' fees in this matter. Defendant disputes that contention. Accordingly, the parties further stipulate and respectfully request that this Court retain jurisdiction to determine whether to award attorneys' fees and, if so, in what amount. The parties' proposed order regarding these issues is attached hereto as Exhibit A. This stipulation is not intended to and does not waive or foreclose any argument by the parties as to whether Plaintiffs are "prevailing parties" under 42 U.S.C. § 1988 and under *Buckhannon Bd. & Care Home, Inc. v. West Virginia Dep't of Health & Human Res.*, 532 U.S. 598 (2001), and additional cases.

Dated: May 7, 2020

Respectfully submitted,

/s/ Jonathan T. Blank

Jonathan T. Blank (VSB No.: 38487)
Benjamin P. Abel (VSB No.: 88961)
MCGUIREWOODS LLP
652 Peter Jefferson Parkway
Suite 350
Charlottesville, VA 22911
T: +1 434 977 2509
M: +1 804 651 3886
F: +1 434 980 2258
jblank@mcguirewoods.com

Angela A. Ciolfi (VSB No.: 65337)
Pat Levy-Lavelle (VSB No.: 71190)
LEGAL AID JUSTICE CENTER
1000 Preston Avenue, Suite A
Charlottesville, Virginia 22903
(434) 529-1810
angela@justice4all.org

Leslie Kendrick (VSB No.: 90104)

/s/ Maya M. Eckstein

Maya M. Eckstein (VSB #41413)
Trevor S. Cox (VSB #78396)
David M. Parker (VSB #85619)
HUNTON ANDREWS KURTH LLP
951 E. Byrd St.
Richmond, VA 23219
Ph: (804) 788-8200
Fax: (804) 788-8218
meckstein@HuntonAK.com
tcox@HuntonAK.com
dparker@HuntonAK.com

Stuart A. Raphael (VSB #30380)
Neil K. Gilman (*pro hac vice*)
HUNTON ANDREWS KURTH LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
Ph: (202) 955-1500
Fax: (202) 778-2201
sraphael@HuntonAK.com

580 Massie Rd.
Charlottesville, Virginia 22903
(434) 243-8633
kendrick@virginia.edu

Counsel for Plaintiffs

ngilman@HuntonAK.com

Mark R. Herring
Attorney General of Virginia

Donald D. Anderson
Deputy Attorney General

Julie M. Whitlock
*Senior Assistant Attorney General &
Transportation Section Chief*

Janet W. Baugh (VSB #44649)
Senior Assistant Attorney General

Christian A. Parrish (VSB #44427)
Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
202 North Ninth Street
Richmond, VA 23219
(804) 786-2071 – Telephone
(804) 786-4239 – Facsimile

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2020, I electronically filed the foregoing Stipulation of Dismissal with the Clerk of Court using the CM/ECF System, which will send a notification of such filing to all registered users, including counsel for Defendant.

/s/ Jonathan T. Blank
Jonathan T. Blank (VSB No.: 38487)
McGuireWoods LLP
652 Peter Jefferson Parkway
Suite 350
Charlottesville, VA 22911
T: +1 434 977 2509
M: +1 804 651 3886
F: +1 434 980 2258
jblank@mcguirewoods.com